



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,104	04/12/2001	Melih Abdulhayoglu	148/258	3495

23638 7590 08/11/2004

ADAM EVANS, P.A.
(formerly Adams, Schwartz & Evans, P.A.)
2180 TWO WACHOVIA CENTER
CHARLOTTE, NC 28282

EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
----------	--------------

2131

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,104

Applicant(s)

ABDULHAYOGLU, MELIH

Examiner

Arezoo Sherkat

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2131

DETAILED ACTION

Claims 1-26 are presented for examination.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 25 (the second one) has been renumbered 26.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2131

Claims 1-3, 11-14, 16-19, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Gray, (U.S. Patent No. 6,367,017 and Gray hereinafter).

Regarding claims 1, 13, 16-17, and 26, Gray discloses a method of operating an electronic device comprising a security device which receives output signals when in an authorized use state, the method comprising the steps of using a real time clock to determine whether a predetermined real time period has expired (i.e., a clock module provides timing signals for the operation of both the processor and the card) and, if so, seeking an authorization, checking whether the authorization is acceptable and configuring the device in an unauthorized use state in the event that a correct authorization is not received in time (Col. 5, lines 14-67 and Col. 6, lines 1-15 and Col. 7, lines 7-67 and Col. 8, lines 1-41).

Regarding claims 2 and 18, Gary discloses in which the device is adapted to receive encrypted authorization codes (Col. 7, lines 32-49).

Regarding claims 3 and 19, Gary discloses in which when in an unauthorized use state the device received input signals, encrypts them and outputs the encrypted-signals (i.e., if the CPU determines that the password is

Art Unit: 2131

invalid, it issues a command to the processor in the verification unit to remain in state 1)(Col. 7, lines 32-49).

Regarding claim 11, Gary discloses in which the device comprises a dedicated power supply (Col. 4, lines 43-67).

Regarding claim 12, Gary discloses in which the device is embodied in a plug-in module, which plug in module suitably comprises a power source such as a battery (Col. 4, lines 43-67).

Regarding claim 14, Gray discloses in which the security device is located between an electronic output device and an electronic input device (i.e., the keyboard and the verification unit are coupled to the computer through adapter)(Col. 4, lines 43-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 9-10, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray, (U.S. Patent No. 6,367,017 and Gray hereinafter), in view of Durinovic-Johri et al., (U.S. Patent No. 5,495,235 and Johri hereinafter).

Regarding claims 4, 15, and 20, Gary does not expressly disclose in which the device comprises means whereby when in an unauthorized use state, the device reduces the frequency at which inputs are transmitted to an input receiver.

However, Johri discloses in which the device comprises means whereby when in an unauthorized use state, the device reduces the frequency at which inputs are transmitted to an input receiver (i.e., there is a predetermined number of failed access attempts that is decremented after each failed attempt, when threshold reaches zero then the lock out feature kicks in)(Col. 4, lines 13-67 and Col. 5, lines 1-67 and Col. 6, lines 1-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Gary with the teachings of Johri because it would allow to include means whereby when in an unauthorized use state, the device reduces the frequency at which inputs are transmitted to an input receiver with the motivation to improve security in an access control system of the type that provides for lockout after a predetermined

number of failed access attempts, while retaining a high degree of user friendliness (Johri, Col 2, lines 30-35).

Regarding claim 9, Gary discloses a clock module comprising a single clock which provides timing signal for both the processor and the operation of the card reader/writer (Col. 5, lines 14-44).

Gray does not expressly disclose in which the device additionally comprises a means for periodically checking the real time clock against a predetermined time period.

However, Johri discloses means for periodically checking the real time clock against a predetermined time period (i.e., the system remains in lockout state for a lockout time period T_l)(Col. 4, lines 13-67 and Col. 5-6, lines 1-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Gary with the teachings of Johri because it would allow to include means whereby when in an unauthorized use state, the device reduces the frequency at which inputs are transmitted to an input receiver with the motivation to improve security in an access control system of the type that provides for lockout after a predetermined number of failed access attempts, for a predetermined period of time T_l , while retaining a high degree of user friendliness (Johri, Col 2, lines 30-35).

Regarding claim 10, Gary discloses a clock module comprising a single clock which provides timing signal for both the processor and the operation of the card reader/writer (Col. 5, lines 14-44).

Gray does not expressly disclose in which the device additionally comprises a means for periodically checking the real time clock against a predetermined time period.

However, Johri discloses the periodic checking means comprising a counter, which upon reaching a predetermined number initiates the check and means for re-setting the counter (Col. 6, lines 65-67 and Col. 7, lines 1-22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Gary with the teachings of Johri because it would allow to include means whereby when in an unauthorized use state, the device reduces the frequency at which inputs are transmitted to an input receiver with the motivation to improve security in an access control system of the type that provides for lockout after a predetermined number of failed access attempts, for a predetermined period of time T_I , while retaining a high degree of user friendliness (Johri, Col 2, lines 30-35).

Claims 5-8 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray, (U.S. Patent No. 6,367,017 and Gray hereinafter), in view of Davis et al., (U.S. Patent No. 6,088,450 and Davis hereinafter).

Regarding claims 5-8 and 21-24, Gary discloses in which the device includes means for generating a random (which expression includes pseudo-random) number (Col. 11, lines 52-67).

Gray does not expressly disclose means for encrypting the random number.

However, Davis discloses means for encrypting the random number using public key encryption (Col. 6, lines 50-67 and Col. 7, lines 1-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Gary with the teachings of Davis because it would allow to include means for encrypting the random number using public key encryption with the motivation to provide for verification before allowing the user access to the content stored on the node or on its networked resources (Davis, Col 5-6, lines 1-67).

Regarding claim 25, Gray discloses in which the encrypted number is transmitted to a verification station which verification station decrypts the encrypted number and verifies it against a number previously supplied to the electronic device (Col. 7, lines 7-67 and Col. 8, lines 1-41).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cole et al., (U.S. Patent No. 5,226,080), and

Perholtz et al., (U.S. Patent No. 5,732,212).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (703) 305-8749. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

Art Unit: 2131

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. Sherkat

Arezoo Sherkat
Patent Examiner
Group 2131
Aug. 6, 2004

E. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER
A/U 2136